

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE NINETEENTH DAY OF AUGUST
TWO THOUSAND AND EIGHT

PRESENT

THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 17915 of 2008

Between:

K.Penchalamma D/o.Krushanaiah
D.No.3/1780-3 Sionupuram Opp Bharathi High School Kadapa District

..... PETITIONER

AND

- 1 The Govt of A.P rep.by its Director Of Medical Education Sultan Bazar
Koti Hyderabad
- 2 The Govt of A.P General Hospital Kurnool
rep.by its Superintendent Kurnool, Kurnool

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the action of the respondents in not considering the petitioner into three years general nursing course in the 2nd respondent Hospital pursuant to the Notification issued by the 1st respondent dt.14-06-2008 even though petitioner is eligible for the same as illegal arbitrary and violative of Article 14,19 and 21 of the construction of India and consequently direct the respondent to provide a seat to the petitioner forth with and pass

Counsel for the Petitioner:MR.K.RATHANGA PANI REDDY

**Counsel for the Respondent No.: GP FOR MEDICAL HEALTH &
FAMI.WELFARE**

The Court made the following :

THE HONOURABLE SRI JUSTICE B. SESHASAYANA REDDY

W.P.No.17915 of 2008

ORDER:

This writ petition has been filed by K.Penchalamma assailing the action of the respondents in not considering the application for admission to first year B.Sc. Nursing course. The petitioner completed intermediate Vocational course in Multipurpose Health Worker (Female) and secured 78.1% marks. The petitioner asserts that the curriculum for the Multipurpose Health Worker (Vocational course) set by the State Institute of Vocational Education of the Board of Intermediate Education in no unmistakable terms indicated that the candidates who passed the said course without pursuing the "Bridge course" will be eligible to seek admission for General Nursing Mid-wifery (GNM) or B.Sc. Nursing course and also eligible to appear for the EAMCET examination.

2. The first respondent -Government of Andhra Pradesh represented by Director of Medical Education issued notification dated 14-06-2008 inviting applications for the courses of three years General Nursing & Midwifery (6 months internship course). The petitioner submitted application No.27788 dated 01.7.2008 and application No.20246 dated 4-7-2008 respectively. The second respondent scrutinized the

applications and placed the list of selected candidates in the notice board on 09-08-2008. Since the petitioner has not received any call letter she made enquiries and came to know that she was not considered as eligible on the ground of her not passing intermediate in Bi.P.C. Hence she approached this court assailing the action of the respondents.

3. When the writ petition came up for admission, the learned Government Pleader for Medical and Health received notice on behalf of the first respondent. Both the counsel submitted that the issue involved in this writ petition is squarely covered by the judgment of this court in W.P.No.23469 of 2007 dated 11-04-2008 **(P.Sankaramma V.The Government of Andhra Pradesh, represented by Director of Medical Education, Sultan Bazar, Koti,Hyderabad and another)**. In the above referred order, it has been held that the candidate who pursued intermediate vocational course in Multipurpose Health Worker (Female) is eligible for admission to B.Sc. Nursing course.

4. The relevant portion of the order passed in the above writ petition reads as under:

“The amendment brought about to sub-rule (2) of Rule 3 of the Rules through G.O.Ms.No.313, dated 16.8.1997, no doubt, discloses that the candidates who have studied physical sciences or biological sciences at their 10+2 are eligible for admission. The rule making authority has used the word “or” in between physical sciences and biological sciences. The word “or” is normally used as a disjunctive but not as conjunctive though it is read at times vice versa to give effect to the manifest intention of the legal instrument as can be discerned from the context. The present context in which the rule making authority has used the word “or” does not enable the said word to be sued as “ and”. Therefore, if a student has studied physical sciences or even biological sciences and not necessarily both these branches is equally eligible to stake a claim for admission. For instance, for XII Class examination conducted by the Central Board of Secondary Education, students are required to study physical sciences and biological sciences along with social studies subject also. Whereas the 2 year Intermediate course offered by the Board of Intermediate Education provides an option to the students, to study physical sciences alone in the combination of Maths subject without compulsorily studying the biological sciences.

I therefore consider that the writ petitioner is eligible to seek admission to B.Sc., Nursing course.”

5. Accordingly, writ petition is disposed of directing the first respondent to consider the application of the petitioner for admission in B.Sc. Nursing course.

B.SESHASAYANA REDDY,J

19-08-2008

Note:

C.C. in two days.

B/o.

Stp

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1.2CCs to

2.2CD copies

*Form-NIC-OGS/WP{**BMR**}*

